

## II. REMARKS

Claims 1-2, 5-16, 18-32, 34-43 and 45-50 are pending in this application. The following remarks are being made to facilitate early allowance of the presently claimed subject matter.

Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claim priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-2, 6, 8, 10-16, 19, 21, 23-25, 27-32, 35-38, 40-43 and 46-49 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over RepSvr (Replication Server Design Guide, Sybase Inc., May 29, 1998, hereafter "RepSvr," and in view of Schwaller et al. (US Pat. No. 6,061,725), hereafter "Schwaller." Withdrawal of these rejections is respectfully requested, for the reasons that follow.

The claimed invention recites, *inter alia*, repeating the update stage at ever decreasing time intervals. As described by the specification of the current invention, an execution of a logged transaction on the target server, i.e., an update, occurs more quickly than the execution of the same transaction on the source server since the target server is not interacting with users ("transaction service on the second (target) server [being] paused until the providing step" (claim 1 of the current invention)). Therefore, if an update is repeated, a duration of time for each of the later updates will be shorter than a prior update. During each time interval, a number of transactions are logged from the source server, and subsequently executed on the target server to update the migrated database. As the time intervals decrease in duration, the number of logged transactions decrease and the active and migrated databases differ by smaller margins.

Therefore, each later update will be for a reduced duration of time than a prior update. The current invention repeats this process until a set point is met, e.g., the database on the target server is acceptably identical to that on the source server, and then transfers all users to the target server, i.e., it conducts a database migration. The target server provides transaction service only after its database is acceptably identical to that on the source server, i.e., "transaction service on the second server is paused until the providing step." Claim 1 of the current invention (similarly claimed in claims 13, 27, 31 and 40 - 42). As will be further discussed below, neither RepSvr, nor Schwaller disclose this claimed feature.

First, with respect to claim 1, Applicants submit that the combined features of the cited art fail to teach or suggest, either separately or in combination, each and every claimed feature of the present invention, including, wherein a time duration of each repeating step is shorter than a preceding repeating step. The Office admits that, "RepSvr does not specifically teach 'a time duration of each repeating step is shorter than [a] preceding repeating step'["]. See Office Action, p. 4. The Office asserts that Schwaller teaches the shorter duration "...by increasing or decreasing the size and frequency of transactions as well as the number of transactions per measurement period for database update traffic at the network endpoint test conducted by protocol scripts (See col. 3, lines 38-43)." Applicants respectfully disagree with this conclusion.

Interpreting Schwaller only for the purposes of this response, Applicants submit that Schwaller discloses, "[s]cripts are assigned to each endpoint test protocol to represent a type of traffic such as file transfers, database updates, credit checks, etc. The scripts may be varied to increase or decrease the size and frequency of transactions as well as changing the number of

transactions measured per measurement period.” See col. 3, lines 37-43. That is, Schwaller discloses either increasing or decreasing various testing parameters depending on the test to be performed (col. 13, lines 60-67). Schwaller does not disclose reducing the time duration between each subsequent repetition. As shown in DBASES script of columns 17 and 18, Schwaller discloses performance tests that set the “transactions\_per\_record” to 10, and the “transaction\_delay” to zero milliseconds. In another example, the FILERCVL Script, as shown in col. 18, sets the “transactions\_per\_record” to 1, indicating that the transactions\_per\_record variable can be decreased prior to test initiation. Similarly, as shown by the “Ganymede Performance Measurement Scenario Listing” in col. 8, the sleep time is set to 5 milliseconds, indicating that the “transaction\_delay” variable can be increased. Therefore, Schwaller simply increases the frequency of transactions and changes the number of transactions, but does not teach or suggest, *inter alia*, a time duration of each repeating step that is shorter than the preceding repeating step. See claim 1.

Second, Applicants submit that Schwaller fails to disclose, *inter alia*, the step of “repeating the steps of logging at least one transaction and executing the at least one logged transaction on the second server until a set point is met[.]” Claim 1. Schwaller discusses database update transactions generally (col. 17, lines 4-8), but fails to discuss, or even mention, database migration to a second server. Accordingly, Schwaller fails to disclose repeatedly executing the at least one logged transaction on the second server until a set point is met. It should be understood, that the “repeating step” claimed in the “wherein a time duration...” element of claim 1, refers to the steps of: logging at least one transaction, and executing the at

least one logged transaction on the second server until a set point is met. *See* claim 1. Because each "repeating step" is not disclosed by Schwaller, the step of "wherein a time of each repeating step is shorter than a preceding executing step," cannot possibly be taught or suggested by Schwaller. As a result, neither Schwaller nor RepSvr disclose each and every element of claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection.

The Office has rejected independent claims 13, 27, 40, and 41 for the same reasons as listed above with respect to claim 1. Accordingly, with respect to claims 13, 27, 40, and 41, Applicants herein incorporate the arguments listed above with respect to claim 1. As a result, Applicants respectfully request the withdrawal of the rejection.

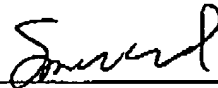
Furthermore, the Office has rejected claims 31 and 42 for reasons similar to claims 1, 13, 27, 40, and 41. Accordingly, Applicants herein incorporate the arguments listed above with respect to claim 1. Therefore, Applicants respectfully request the withdrawal of the rejection.

Claims 2 and 5-12 are dependent on claim 1, claims 14-16 and 18-26 are dependent on claim 13, claims 28-30 are dependent on claim 27, claims 32 and 34-39 are dependent on claim 31, and claims 44-50 are dependent on claim 42. These dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

### III. CONCLUSION

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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